IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 10953 of 2007(D)

PETITIONER:

SIJO GEORGE, AGED 25 YEARS,
KALLOLIL HOUSE, POONJAR,
THEKKEKKARA P.O., KOTTAYAM DISTRICT.

BY ADV. SRI.K.K.JOHN
SRI.BROSE JOSEPH NEELIYARA

RESPONDENTS:

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1. POONJAR THEKKEKKARA GRAMA PANCHAYATH
KOTTAYAM DISTRICT, REP. BY ITS SECRETARY.
2. KERALA WATER AUTHORITY,
JALA BHAVAN, THIRUVANANTHAPURAM,
REP. BY ITS MANAGING DIRECTOR.
3. SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY,
P.H.CIRCLE, KOTTAYAM.
4. STATE OF KERALA,
REP. BY ITS CHIEF SECRETARY.
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.
5. DISTRICT COLLECTOR, KOTTAYAM.

ADDL. RESPONDENT

6. THE SECRETARY
MINISTRY OF WATER RESOURCES
THIRUVANANATHAPURAM

6th respondent suo motu impleaded vide judgment dtd. 26-07-2007

BY ADV.SRI.ASHOK.M.CHERIAN FOR R1
ADV.SRI.DINESH FOR R2, R3
GOVT.PLEADER SRI.P.K.RAVIKRISHANAN FOR R4, R5

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(C).No.10953 OF 2007

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Dated this the 24th day of July, 2007

JUDGMENT

Petitioner has approached this court complaining of refusal to provide adequate potable drinking water to the inhabitants of the first respondent-Poonjar Thekkekkara Grama Panchayat. It is contended that the supply of potable drinking water is a right which is covered by Article 21 of the Constitution and refusal to do so is violative of Article 21. The stand of the water authority interalia is as follows:

> *" Kerala Water Authority is having a Rural Water Supply Scheme at Poonjar-Thekkekara. Water is taking from the open well of 6 m dia. situated near Nedumkanakayam with 25 HP VT pumpset through 100mm GI pumping main to a GL tank, with a capacity of 1.30 lakh liters. Supply of water is done through distribution of pipes in ward III, IV and VIII of Poonjar Thekkekara Panchayat. Kerala Water Authority is taking the maximum efforts to distribute the drinking water."*

2. Case of the water authority is that Government has to sanction the scheme and the water authority is helpless in the matter.

The Secretary, Ministry of Water Resources, Thiruvananthapuram is impleaded as the additional 6th respondent. Government Pleader

appears for him. It is submitted by the the learned counsel for the petitioner that petitioner has filed Ext.P4. Having regard to all facts, the writ petition is disposed of directing that Ext.P4 which is ofcourse submitted before the Minister shall be taken up by the additional 6th respondent and he will take an appropriate decision in accordance with law on the same after hearing the petitioner, the representative of the first respondent-Panchayat and also the third respondent, as expeditiously as possible and at any rate, within a period of six weeks from the date of production of a copy of this judgment before the 6th respondent. The petitioner will also produce a copy of Ext.P4 before the additional 6th respondent along with a copy of this judgment for due compliance. It is open to the petitioner to rely on the ruling of the Division Bench in **Shajimon Jospeh and others v. State of Kerala** (2007(1)KLT 368).

(K.M.JOSEPH, JUDGE)

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